

MASS. PS1.2: D71/2

# Domestic Violence Law Enforcement Guidelines 1997

(REVISED)

GOVERNMENT DOCUMENTS  
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Secretary of Public Safety





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Message from the Secretary of Public Safety

October 2, 1997

To the Criminal Justice Community:

I am pleased to provide you with a copy of the recently revised Massachusetts Policy for Law Enforcement Response to Domestic Violence. The guidelines were authorized and promulgated in 1991 under the provisions of Chapter 403 of the Acts of 1990 entitled "An Act Relative to the Protection of Abused Persons."

*Chapter 403, Section 14 provides*, "the Secretary of Public Safety may revise such policy at his/her discretion." Thus in order that departments may be informed about recently enacted federal and state domestic violence statutes and policies, the present revisions were formulated by a diverse group of criminal justice and human service professionals working closely with the Executive Office of Public Safety and the Governor's Commission on Domestic Violence. The revisions have been incorporated as part of the standard state guidelines.

Massachusetts can be especially proud of the efforts of law enforcement professionals who have worked tirelessly over the past few years to protect victims and their children. It is my further hope that these law enforcement guidelines will also serve to enhance officer safety and protect victims and their children.

A heartfelt thanks for your continued commitment to this critical criminal and social justice issue.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen M. O'Toole".

Kathleen M. O'Toole  
Secretary of Public Safety



## Policy for Law Enforcement Response to Domestic Violence

### **1.0 AUTHORITY AND EFFECTIVE DATE**

This policy is established pursuant to Section 25 of Chapter 403 of the Acts of 1990, and shall take effect as of November 1, 1997.

**BACKGROUND.** Among the most difficult and sensitive calls for police assistance are those involving domestic violence. When responding to a domestic disturbance, officers must be both alert and impartial, and must be concerned with the needs of victims where domestic violence is apparent or alleged. Police are well aware that situations, which appear minor at first glance, can mask a much more serious condition. Therefore, whenever possible, at least two police officers should be assigned to a domestic violence situation, unless immediate intervention is necessary to prevent serious physical harm. This will enhance both officer and victim safety, as well as the investigation.

### **2.0 M.G.L. c. 209A, § 6: ABUSE PREVENTION LAW**

#### **2.1 DEFINITIONS**

A. For the purposes of this policy, "ABUSE" is defined by M.G.L. c. 209A as the occurrence of one or more of the following acts between family or household members:

1. attempting to cause or causing physical harm;
2. placing another in fear of imminent physical harm;
3. causing another to engage involuntarily in sexual relations by force, threat, or duress.

B. "FAMILY OR HOUSEHOLD MEMBERS" are persons who:

1. are or were married to one another;
2. are or were residing together in the same household;
3. are or were related by blood or marriage;
4. have a child in common regardless of whether they have ever married or lived together; or
- 5.\* are or have been in a substantive dating or engagement relationship (See Section 3.3 "Arrest Guidelines" for a review of officers' responsibilities in these situations.)

\* This includes same sex relationships.

#### **2.2 CIVIL LIABILITY**

According to Chapter 403 of the Acts of 1990: "No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide policy





as established by the Secretary of Public Safety."

### **3.0 PROCEDURES**

The provisions of M.G.L. c. 209A impose specific responsibilities upon the police in regard to a domestic abuse situation. All officers are expected to be thoroughly familiar with the contents of this statute (as amended from time to time) and to act with discretion and competence in carrying out its provisions.

#### **3.1 RESPONDING TO THE SCENE**

- A. The high risk of injury associated with domestic violence situations requires that officers immediately proceed to the place of the dispute.
  - 1. Whenever possible, two officers should be dispatched to the scene.
  - 2. Officers should request and be provided with the following information, when dispatched to a suspected domestic call:
    - a. The existence of any warrants (by a check of LEAPS and the Warrant Management System);
    - b. The criminal history of the suspect (B.O.P. check);
    - c. The existence of any protective orders against the suspect (B.O.P. check) (Include orders held by persons other than the victim in this case);
    - d. Any other relevant information the department is aware of, especially regarding a history of incidents involving the particular address, or the parties, and the likelihood of firearms being present;
    - e. Record of firearms identification cards and/or licenses to carry being issued to resident(s.)
- B. Keep in mind that the same standard for probable cause applies to domestic violence offenses as for any other crime. (Arrest Guidelines will be discussed in Section 3.3)
- C. Upon approach, officers shall make observations of the scene, and listen for sounds of a disturbance.
- D. When investigating a report of domestic violence, officers should be thorough and observe the following guidelines:
  - 1. Officers may enter private premises at the request of someone in lawful control of the premises, or to enforce the provisions of a protective court order or to take reasonable measures to prevent any further abuse under the authority of M.G.L. c. 209A.
  - 2. Officers may enter private premises where there is probable cause to believe that a felony has been or is being committed, or where there is imminent danger of violence which could result in death or serious physical injury, or where a breach of the peace has been committed in an officer's presence.





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3. Officers must leave if both parties request that they do so, unless there is probable cause to believe that a felony has been committed, or that their continued presence is necessary to prevent physical harm or to carry out the provisions of M.G.L. c. 209A.
  4. "Private premises" includes a house, an apartment, a condominium, a hotel room, a mobile home, a dormitory room or a house trailer.
- E. The initial contact by the responding officers should convey a professionally calm and helpful attitude.
1. The officers shall state their reason for being present.
  2. Officers should strive to be considerate and attentive toward all parties and their problems regardless of an officer's own views or personal reactions toward the matter.
  3. Upon entering, officers shall prevent the physical movement of the parties as much as possible and control their access to any potential weapons.
  4. Officers should be mindful that an abuser who is under the influence of drugs or alcohol, or who suffers from mental illness, may pose a greater risk to the victim's and officers' safety.
- F. The responding officers must take immediate control of the situation and should separate the parties to prevent any violent action, and to interview them independently. However, if there are two officers present at the scene, they should remain within view of each other to avoid any subsequent allegations of mistreatment. In attempting to ascertain the facts in the dispute, the officers should allow each party to present his or her story individually, avoiding any unnecessary interruptions or undue interference by the other party. Separating the parties also allows each to relate matters to an officer without being overheard by the other party.
- G. In cases of serious injury, the preferred method of transportation is via ambulance. Officers are authorized by M.G.L. c. 209A to transport victims of domestic violence to the emergency room of the nearest hospital. Officers should receive approval from their supervisor prior to transporting victims of domestic abuse in a cruiser, except in an emergency. If the victim is not seriously injured, or declines transportation, the victim may then seek transportation through his or her own means.

### 3.2 **INVESTIGATION:** Officers responding to domestic violence calls should ensure thorough investigations:

- A. Attempt to identify and interview the party who called the police, neighbors and other potential witnesses. Be mindful of their concerns around retaliation.
- B. The officers must ask pertinent questions, and certain fundamentals must be followed. If conditions prohibit the obtaining of this information at the scene, it must be obtained



during the follow-up investigation.

1. Obtain information regarding the nature of the relationships, including children.
2. Obtain the phone number of the residence and include said number in the incident report for use by the bail bondsperson in informing the victim of the abuser's release on bail. Inform the victim that if she or he intends to leave the residence, and wishes to be informed of such release, the victim must inform the police department of a number where the victim can be reached, or where a message of such release can be safely relayed to the victim.

**NOTE:** If the victim will be seeking to hide from the abuser, **KEEP A SEPARATE RECORD** of the address and phone number.

3. Obtain information about the suspect's ownership of, presence of, or access to firearms, and their location.
  4. Ascertain if there is a history of such disputes and whether there are any vacate, restraining, no-contact or other protective orders currently in effect, including those held against the suspect by someone other than this victim.
    - a. Document allegations of prior abuse, including expired protective orders.
    - b. Seek appropriate criminal action for prior incidents.
  5. **DETENTION HEARINGS:** Officers should provide information regarding a defendant's dangerousness to the Prosecutor for use at arraignment. Include information regarding the defendant's criminal history, history of abusing the current victim, and history of abusing other victims.
  6. Determine, when possible, who has lawful custody of any minors, and whether court approved visitation rights are being violated.
    - a. Keep in mind that the children's safety is paramount. Standard procedures should be followed for ensuring safety, such as D.S.S. notification when appropriate.
    - b. The parties may have to resolve visitation and custody issues in Probate Court.
- C. Properly document important information, i.e., spontaneous utterances (direct quotes) by the victim, the suspect, children, and other witnesses.

### 3.3 ARREST GUIDELINES

#### A. THE DECISION TO ARREST

1. The safety of the victim and any involved children shall be paramount in any decision to arrest, and in the timing of the arrest.
2. As in other types of criminal investigations, uncorroborated statements by a victim can constitute probable cause that the crime occurred.
3. The decision to arrest must be based on whether or not probable cause exists that the crime occurred, not on whether or not the victim wishes to seek complaints or wishes to testify at a future date.
4. Substance Abuse / Mental Health Issues



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- a. When assessing credibility in order to establish probable cause, officers should remember that a victim who is under the influence of drugs or alcohol, or who suffers from mental illness, is not an inherently unreliable witness.
- b. An abuser who is under the influence of drugs or alcohol, or who suffers from certain mental illnesses, may pose a greater risk to the safety of the victim and officer.
5. Officers should also remember that it is not unusual for an abuser to display a calm demeanor following a violent assault.

### B. ARREST: MANDATORY OR PREFERRED

1. In the interest of immediacy, and the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an emergency, temporary or permanent vacate, refrain from abuse, stay away or no-contact order or judgment, a suspension and surrender order, or protection order issued by another jurisdiction.
2. When there are no refrain from abuse, vacate, stay-away or no-contact orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person:
  - a. has committed a felony; or
  - b. has committed an assault and battery of a family or household member in violation of M.G.L. c. 265, § 13A; or
  - c. has committed a misdemeanor involving abuse, as defined in M.G.L. c. 209A.

### C. IF THE SUSPECT HAS FLED THE SCENE

When probable cause to arrest exists, and the suspect has fled the scene:

1. The officer will have the dispatcher advise area patrols, including other jurisdictions where the suspect is believed to be going, in order for those patrols to attempt to locate and arrest the suspect.
2. One department's statements to another that probable cause to arrest exists shall be honored. The second department shall immediately attempt to effect the arrest as requested by the investigating department.
3. Officers will attempt to make a warrantless arrest when the suspect is not found immediately. However, as soon as is practical, the investigating department shall seek an arrest warrant from the appropriate court, in cases involving abuse as defined under M.G.L. c. 209A.
4. When probable cause exists to believe a crime involving abuse occurred, it is not proper procedure to advise the victim to seek complaint applications on his or her own.

### D. DUAL ARRESTS





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1. Any officer arresting both parties is required by law to submit a detailed, written report, in addition to an incident report, setting forth the grounds for dual arrest.
2. Dual arrests, like the issuance of mutual restraining orders, are strongly discouraged because they trivialize the seriousness of domestic abuse and increase the danger to victims.
3. Officers should attempt to identify the primary aggressor, and take action based on that determination. In the majority of cases, an effective investigation will reveal the primary aggressor.
4. Officers investigating an incident of domestic violence shall not threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

### **E. SUBSTANTIVE DATING RELATIONSHIPS**

1. Officers will gather information to determine whether or not a substantive dating relationship exists. Officers will examine the same factors which the Courts review when making this determination: the length of time of the relationship; the type of relationship; the frequency of interaction between the parties; and if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.
2. If the officer determines that a "substantive dating relationship" exists or did exist, then the officer shall take the proper action, including arrest when appropriate, regardless of whether or not the victim seeks a restraining order.
3. Even in cases where there is no substantive dating relationship, a crime, such as Stalking, may have been committed.

### **F. ARREST OF A CARETAKER**

1. In cases involving abuse of an elder or a person with a disability, officers must address the issue of whether or not the victim can be left alone safely, if the abuser is arrested. If a suspect is the caretaker of a child, the officer needs to determine whether or not the child can be left alone.
2. If the child, elder or person with a disability cannot be left alone, the respective protective agency must be contacted, in order to arrange for the temporary care of the child, disabled or elder person. Any mandated reports of abuse or neglect will be filed in these instances.

### **G. OUT OF STATE ORDERS OR VIOLATIONS**

1. Out of state violations of Massachusetts orders may be charged criminally as Contempt, in the jurisdiction which issued the order.
2. A protective order issued in another jurisdiction (as defined in M.G.L. c. 209A, § 1) shall be given full faith and credit in the Commonwealth. Therefore, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an emergency, temporary or permanent vacate,



## THE COMMONWEALTH OF MASSACHUSETTS

refrain from abuse, stay away, or no-contact order or judgment issued by another jurisdiction.

3. In assessing probable cause, an officer may presume the validity of the protection order issued by another jurisdiction when the officer has been provided with:
  - a. a copy of the order, by any source; and
  - b. a statement by the victim that such order remains in effect.

### 3.4 **FINGERPRINTING AND PHOTOGRAPHING OF DEFENDANTS**

Whenever resources allow, officers shall take fingerprints and photographs of all criminal defendants in domestic violence cases. These records will be forwarded for entry into the A.F.I.S. system. This will greatly improve prosecution of crimes such as Breaking and Entering and Stalking.

### 3.5 **SERVICE OF ORDERS**

- A. Service of orders shall be made in hand unless otherwise ordered by the court. Chapter 209A, §7 requires that "the law enforcement agency shall promptly make its return of service to the court."
  1. Orders shall be served promptly upon receipt. Service of orders will not be delayed in order to forward service by a specialized officer or unit.
  2. The victim's safety should be considered in the timing of the service of the order. Officers should encourage the victim to contact an advocate (either through the D.A.'s Office, or through the local battered women's program) in order to develop a safety plan around the service of the order.
- B. Departments must keep a record of all attempts at service.
- C. Return of Service, including service of Emergency Orders, must be sent to the Court.
- D. A plaintiff who brings an order to the department for service should be interviewed to ensure that the department's responsibilities under M.G.L. c. 209A and these Guidelines are met.

### 3.6 **PROPERTY**: The relationship of the parties and their property interests complicate domestic violence situations.

- A. When a party to a domestic dispute is accused of removing or attempting to remove property from the dwelling or is accused of damaging or destroying property, the officer should investigate to determine the civil or criminal consequences, and if criminal, take appropriate action (For example: Malicious Destruction of Property.)
- B. **VACATE ORDERS AND COURT ORDERS TO RETRIEVE BELONGINGS**
  1. Once a vacate, no contact, stay away or refrain from abuse order is issued, officers



should not accompany a defendant to the property for any reason without specific judicial authorization

2. A vacate order includes the following requirement:  
The defendant shall not damage any of the plaintiff's belongings or those of another occupant and shall not interfere with any utilities or mail delivery to the plaintiff.
3. The defendant in the vacate order is allowed to retrieve his or her belongings under the following conditions:
  - a. The defendant must have a court order allowing for the retrieval.
  - b. The defendant must be accompanied by the police. Officers shall remain with the defendant throughout the process.
  - c. The victim must have prior notice by the Department, and must agree to the timing of the retrieval.
  - d. The defendant must not be allowed to use this as a means of harassing the victim. Officers need to keep in mind that certain behaviors by the defendant, while at the residence, may constitute a violation of the protective order. Repeated visits may also constitute a violation. The purpose of the restraining order is to keep the defendant away from the plaintiff. If the defendant repeatedly returns to collect his or her belongings, it is defeating the purpose of the protective order.
4. When a court order exists, allowing for a victim to return to the defendant's residence in order to retrieve his or her belongings, the police shall accompany the victim to ensure the order is executed, and that the victim is able to follow the order free from harassment or abuse by the defendant.

### 3.7 ALLEGATIONS AGAINST LAW ENFORCEMENT PERSONNEL

- A. Departments need clear policies to deal appropriately with situations in which allegations of domestic violence are made against an officer. Comprehensive policies need to address those cases in which the department is called to investigate allegations against their own officers, as well as those instances in which the suspect is employed by another department.
- B. Departmental policies will include a mechanism to ensure that when any officer is investigated regarding allegations of domestic violence, his or her chief will be notified by the investigating department.

## 4.0 **POLICE RESPONSIBILITIES**

Appropriate and effective police response to domestic violence calls is the best mechanism for enhancing victim safety. It is also the means by which police departments can minimize departmental liability. It is imperative that departments follow the statutory obligations for action, and implement the guidelines outlined here.





4.1 **THE OFFICER'S RESPONSIBILITIES**

Whenever any officer has reason to believe that a family or household member has been abused, or is in danger of being abused, such officer shall use all reasonable means to prevent further abuse. The officer shall take but not be limited to, the following action:

- A. REMAIN ON THE SCENE where the abuse occurred or was (or is) in danger of occurring as long as the officer has reason to believe that at least one of the parties involved would be in immediate physical danger without the presence of an officer for a reasonable period to prevent abuse. If the suspect has fled the scene, a reasonable period is the amount of time necessary:
  - 1. to assess that the suspect has left the scene, and
  - 2. to carry out the following on-the-scene obligations.
- B. Assist the victim in obtaining MEDICAL TREATMENT for injuries resulting from an assault, which may include driving the victim to the emergency room of the nearest hospital, or arranging for appropriate transportation to a health care facility, notwithstanding any law to the contrary;
- C. Assist the victim and dependent children in locating and GETTING TO A SAFE PLACE, including but not limited to a designated meeting place for entry into emergency shelter or a family member's or friend's residence (or a similar place of safety). The officer shall consider the victim's preference in this regard and what is reasonable under all the circumstances;
- D. Give abuse victims immediate and adequate NOTICE OF THEIR RIGHTS by handing them and reading a form detailing their rights (see attached). Where said person's native language is not English, the statement shall be provided in said person's native language whenever possible;
- E. Assist the victim by ACTIVATING THE EMERGENCY JUDICIAL RESPONSE SYSTEM when a Judge is not available through Court. This should be done even when the alleged abuser has been arrested;

**NOTE:** If a victim is unable to appear in Court, because of severe hardship due to the victim's physical condition, officers can seek an order by contacting the Court. A representative may appear in Court on behalf of the victim to seek an emergency or temporary order. Officers shall advise these victims that a representative may appear on their behalf.

- F. ARREST WHEN APPROPRIATE. (See "Procedures," Section 3.3 for discussion of Arrest Guidelines.) Decisions to arrest will be based on whether or not probable cause and the authority to arrest exist, not on whether or not the victim agrees to the action, or to testify at a future date;



## THE COMMONWEALTH OF MASSACHUSETTS

- G. Inform the victim that the abuser will be eligible for BAIL and may be promptly released. (Refer to Investigation Section, 3.2 - B.)
- H. REFERRALS:
1. PROVIDE information, including phone numbers, about local resources such as the battered women's programs, for emergency shelter and counseling services. Also, officers should know whether the District Attorney's Office or the local battered women's program (or both) administers the victim-witness advocacy program in the local court. Provide the advocate's number(s) to the victim.
  2. It is advisable that departments have this referral information preprinted, so that it can be distributed along with the Abused Person's Notice of Rights card. Referral information can be typed onto the card, or stapled to it.
- I. INCIDENT REPORTS will be filed whether or not an arrest is made. These will be made available to the victim, upon request to the department, at no cost to the victim. (The initial investigation should determine the existence of any history of abuse. This information must be included within the report.)
- J. MANDATORY REPORTING
1. A report will be filed with the Department of Social Services whenever the police officer has reasonable cause to believe that a child under the age of 18 has been abused or neglected, in accordance with M.G.L. c. 119, § 51A. During office hours, contact the local D.S.S. office. After hours, call the hotline: 1-800-792-5200.
  2. A report will be filed with the Disabled Persons Protection Commission whenever the officer has reasonable cause to believe that a caretaker has abused / neglected a disabled person, between the ages of 18 and 59, in accordance with M.G.L. c. 19C, § 10. Call the hotline: 1-800-426-9009.
  3. A report will be filed with the Executive Office of Elder Affairs whenever the officer has reasonable cause to believe that someone age 60 or older has been abused / neglected, in accordance with M.G.L. c. 19A, §§ 14-26. Call the 24 hour hotline: 1-800-922-2275.
- K. FIREARMS
- When a firearm or other weapon is present at the scene of a domestic violence situation the officers shall:
1. Seize the weapon as evidence of the crime, if the responding officers are informed that a firearm or weapon has been involved in the dispute.
  2. a. Request that the firearm or weapon be placed in their custody temporarily;  
b. Search for and take custody of the firearms or weapon if a party who lawfully resides there requests that they do so. A consent search is allowed



- in all areas except those areas where the suspect has a reasonable expectation of privacy;
- c. Take temporary custody of the firearm or weapon to alleviate the threat of serious violence.
  3. Determine whether a firearm is lawfully possessed before returning the same.
  4. If the officer determines that the weapon cannot be seized, the following actions can take place:
    - a. A judge can order the defendant to surrender guns, a license to carry and an F.I.D. card; and
    - b. The chief who issued the license to carry may revoke or suspend such license issued by him or her.
  5. In all domestic violence cases, the investigating department shall advise the licensing authority that the subject of the license is suspected of abuse.
  6. **SUSPENSION AND SURRENDER ORDERS**
    - a. **Service of Suspension and Surrender Orders**

Upon issuance of a suspension and surrender order, under M.G.L. c. 209A Abuse Prevention Orders, police shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership or possession of said defendant.
    - b. **Violations of Suspension and Surrender Orders**

In the interest of immediacy, and the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated a suspension and surrender order.
    - c. **Seizure and Storage of Firearms**

Every department within the Commonwealth shall honor another department's request for assistance in seizing the above listed items, regardless of which department is named within the order. The department named within the order shall be responsible for the storage of the seized items or the delegation of storage to an authorized facility.
    - d. **Orders Against Law Enforcement Officers**

In cases involving police officers who are defendants in Suspension and Surrender Orders, the defendant must relinquish all firearms, including departmental weapons, to the department serving the order.
  7. **Federal Firearms Provisions**

Although officers cannot enforce the following Federal provisions, the chief should be notified whenever an officer identifies a case involving the following circumstances, because there may be Federal action which can be taken.

    - a. **Persons Named in Protective Orders**

Under the Federal Crime Control and Law Enforcement Act of 1994, it is unlawful for an individual subject to a "permanent" restraining order involving "intimate partners" to receive, ship, transport, or possess guns





(including handguns, rifles, and shotguns) or ammunition that traveled in interstate commerce.

**b. Misdemeanors Involving Domestic Violence**

Under 18 U.S.C. § 922(g)(9), it is unlawful for any person convicted of certain misdemeanor crimes involving domestic violence to ship, transport, possess, sell or otherwise dispose of, or receive firearms or ammunition.

**c. Federal Felon in Possession of a Firearm**

Under 18 U.S.C. § 922(g)(1), "Felon in possession of a firearm," it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess any gun or ammunition. **NOTE:** Misdemeanors are excluded from consideration if they are punishable by a term of two years or less. Therefore, misdemeanors which are punishable by a term of imprisonment of more than two years fall within this provision.

**4.2 SUPERVISORS' ROLES**

**A. Supervisors will ensure that the provisions of the statute and these guidelines are met.**

1. Dispatch logs will be reviewed to ensure that an incident report has been filed, even in cases where no arrest was made. Calls which are received as allegations of domestic violence or a domestic disturbance will not be reclassified because no probable cause to arrest existed. Incident reports will be filed in these cases.
2. Prosecution and subsequent legal action can be greatly aided by documentation and description of physical injuries, photographs of the injuries, and/or noting the presence of children in household, and other information gained through the investigation.
3. Incident and arrest reports will be carefully reviewed by a supervisor, or his or her designee within the department who is specially trained to review domestic violence cases, in order to ensure that the provisions of M.G.L. c. 209A and these Guidelines are met. If upon review of an incident report it is believed that probable cause exists, the supervisor will ensure that criminal charges are initiated according to the statute and these Guidelines.
4. Whenever a department identifies a particular case as posing significant danger, this case should be discussed at roll call.

**B. Supervisors will ascertain that appropriate referrals were provided to the victim.**

**C. Regarding follow-up investigations, supervisors shall:**

1. Determine whether a follow-up investigation is needed. For instance, if the report indicates a history of abuse, it is likely that additional criminal charges should be pursued.
2. If so, the supervisor shall ensure that the investigation is conducted.
3. Upon review of the follow-up investigation, the supervisor will ensure that additional charges are initiated whenever appropriate.



## *THE COMMONWEALTH OF MASSACHUSETTS*

### ABUSED PERSON'S NOTICE OF RIGHTS

#### Directions to Police Officer:

Give a victim of domestic violence immediate and adequate notice of his or her rights. The notice shall consist of handing said person a copy of the statement which follows below and reading the same to the victim. Where the victim's native language is not English, the statement shall be then provided in the victim's native language whenever possible.

"You have the right to appear at the Superior, Probate and Family District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a complaint requesting any of the following applicable orders: (a) an order restraining your attacker from abusing you; (b) an order directing your attacker to leave your household, building or workplace; (c) an order awarding you custody of a minor child; (d) an order directing your attacker to pay support for you or any minor child in your custody, if the attacker has a legal obligation of support; and (e) an order directing your attacker to pay you for losses suffered as a result of abuse, including medical and moving expenses, loss of earnings or support, costs for restoring utilities and replacing locks, reasonable attorneys' fees and other out-of-pocket losses for injuries and property damage sustained."

"For an emergency on weekends, holidays, or week nights the police will refer you to a justice of the Superior, Probate and Family, District or Boston Municipal Court Departments"

"You have the right to go to the appropriate District Court or the Boston Municipal Court and seek a criminal complaint for threats, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses."

"If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment."

"If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and your children can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place, including but not limited to designated meeting place for a shelter or a family member's or a friend's residence, or a similar place of safety."

"You may request a copy of the police incident report at no cost from the police department."





